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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 074273-0193

Applicant: Katsuhiro NAKADE
Title: NETWORK-BASED SECURITIES TRANSACTION SYSTEM
Application No.: 09/916,487
Filing Date: July 30, 2001
Examiner: Gart, Matthew S.
Art Unit: 3625

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

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TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued July 27, 2004 with respect to a counterpart Japanese patent application is provided below.

"Reasons

- A. The inventions related to the following claims of the present application do not fulfill the conditions stipulated in Note 1 of Article 29 of the Japan Patent Law in the aspects described below, and therefore cannot receive a patent.

Note

Claims 1-11 describe having functional means such as " . . . means," but the descriptions specifying each of the functional means simply specify means that should fulfill the various functions, and do not specify how the computer

hardware resources can be used for a specific technological means that has actually been created for fulfilling these functions. In other words, the claims are not descriptions that specify a computer system wherein the data processing by the software is actually achieved using the hardware resources of the computer.

Consequently, the claims do not contain inventions of "technical concepts using natural laws," because there is no specific description of the use of the computer hardware by the information processing by the software.

- B. The inventions related to the following claims of the present application could have been easily invented by a person with ordinary knowledge of technology in the field to which the invention belongs prior to the filing of this application based on the inventions recited in the publications below, which had been distributed in Japan or abroad prior to the filing of this application, or on inventions made publicly available for use by means of telecommunications networks prior to the filing of this application, and therefore cannot receive a patent according to the stipulations of Article 29, Paragraph 2 of the Japan Patent Law.

Note

(For a list of the cited literature, see the List of Cited Literature.)

Claims 1-11

Cited Literature 1-5

Cited Literature 1-4 describe the matter of the settlement processes for the agreed upon payments being done automatically by the bank account.

Cited Literature 5 describes the matter of the transaction being performed if the buy/sell conditions (corresponding to the "constraints") are fulfilled.

The creation of the present invention could be achieved easily from Cited Literature 1-5.

List of Cited Literature

1. "A Thorough Analysis of On-line Banking," INTERNET Magazine, Impress Company, Ltd. 5/1/2000, Number 64, pages 248-252.
2. "MONEX and Fuji Bank: Towards the Joint Development of Electronic Settlement Services for Securities Transactions," Nikkei Digital Money Systems, Nikkei Business Press Company, Ltd. 11/15/1999, Number 54, page 3.
3. "How Convenient Can It Get? On-line Settlements," Nikkei Net Trading, Nikkei Business Press, Ltd. 1/15/2000, Volume 7, Number 2, pages 156-157.
4. "Drawing Money into the Net," Nikkei Net Business, Nikkei Business Press, Ltd., 10/15/1999, Number 52, pages 68-81.
5. Japanese Unexamined Patent Application Publication H9-282376"

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

Date

August 24, 2004

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: August 24, 2004 (use as many sheets as necessary)		Complete if Known	
		Application Number	09/916,487
Sheet	1	of	1
		Filing Date	07/30/2001
		First Named Inventor	Katsuhiro NAKADE
		Group Art Unit	3625
		Examiner Name	M. S. Gart
		Attorney Docket Number	074273-0193

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A1	JP	9-282376			10/31/1997		ABS

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A2	ARTICLE – "Thorough Analysis on "On-line Banking", Internet Magazine No. 64, pages 248-252, 5/1/2004.	
	A3	ARTICLE – "Monex and Fuji Bank Co-Develop an Electronic Settlement Service for Securities Dealing", Nikkei Digital Money Systems, No. 54, page 3.	
	A4	ARTICLE – "Online Payment, How Far is it Becoming Convenient?", Nikkei Net Trading, Vol. 7, No. 2, pages 156-157, 1/15/2000.	
	A5	ARTICLE – "Introduce Money into Net System", Nikkei Net Business, No. 52, pages 68-81, 10/15/1999.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.